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LANSING

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ENROLLED BILL ANALYSIS

BILL NUMBER: SB 213

TOPIC: Removes the prohibition on dispensing a controlled substance prescription received electronically from a dentist who is licensed in another state.

SPONSOR: Senator Thomas Casperson

CO-SPONSORS: Senators Bruce Caswell, Mark Jansen and Mike Nofs

COMMITTEE: Health Policy

Analysis Done By: Wendy Menosky

ADMINISTRATION POSITION

The Department of Licensing and Regulatory Affairs is neutral on the bill.

PROBLEM/BACKGROUND

Practitioners (pharmacists) are currently prohibited from dispensing a controlled substance prescription that is received electronically from a dentist licensed in a state other than Michigan. Previously, physicians (medical doctors and doctors of osteopathic medicine) licensed in other states were also under the same prohibition but due to the enactment of PA 150 of 2009, this prohibition was removed.

DESCRIPTION OF BILL

SB 213 would amend Sections 333.7405, 333.17708, 333.17751 and 333.17763 of the Public Health Code to remove the prohibition on dispensing a controlled substance prescription that is received via electronic means from a dentist that is licensed in a state other than Michigan.

SUMMARY OF ARGUMENTS

Pro

For people who live near the Michigan border, particularly in rural areas, it is common for the nearest health care providers to be located in an adjoining state. The bill will allow for Michigan residents, whose dentist prescriber is located in another state, to

have a controlled substance prescription written by that prescriber filled by a licensed pharmacist in Michigan.

Con

It could result in pharmacies receiving prescriptions for controlled substances via electronic means from dentists located throughout the United States. If the pharmacist has any questions regarding a controlled substance prescription or even the authenticity of a particular prescription, it would necessitate contacting the dentist for clarification. Further, pharmacists may need to verify whether a dentist is indeed licensed in that particular state to practice dentistry and to prescribe controlled substances.

FISCAL/ECONOMIC IMPACT

Are there revenue or budgetary implications in the bill to the –

(a) Department

Budgetary:

Revenue: The bill would have no effect on revenue to the Department.

Comments: There may be costs associated with investigations of activity of out-of-state licensees but we are unable to determine those specific costs at this time.

(b) State

Budgetary: See above

Revenue: No impact

Comments:

(c) Local Government

Comments:

OTHER STATE DEPARTMENTS

The Drug Enforcement Agency (DEA), which is a federal agency, might be interested in the implications of allowing controlled substance prescriptions from non-licensed prescribers to be filled in Michigan.

ANY OTHER PERTINENT INFORMATION

Upon enactment of PA 150 of 2009, numerous complaints were received from dentists that were licensed in other states, particularly those near the Michigan border, because only physicians had the ability to electronically submit a prescription for a controlled substance to a Michigan pharmacy.

Our Department is currently working on an electronic system that will allow us to check on the prescribing patterns of prescribers in other states so we and other pharmacies could access more information.

We also have a concern that if we had data that supported an allegation of abuse, we would have to work with other state licensing boards to take action against the prescriber since the individual would not be licensed in Michigan.

ADMINISTRATIVE RULES IMPACT

The administrative rules for the Board of Pharmacy would need to be revised to include this provision.